

CRAVATH, SWAINE & MOORE LLP

WORLDWIDE PLAZA
825 EIGHTH AVENUE
NEW YORK, NY 10019-7475

TELEPHONE: +1-212-474-1000
FACSIMILE: +1-212-474-3700

CITYPOINT
ONE ROPEMAKER STREET
LONDON EC2Y 9HR
TELEPHONE: +44-20-7453-1000
FACSIMILE: +44-20-7860-1150

WRITER'S DIRECT DIAL NUMBER

(212) 474-1748

GEORGE E. ZOBITZ
GEORGE A. STEPHANAKIS
DARIN P. MCATEE
GARY A. BORNSTEIN
TIMOTHY G. CAMERON
KARIN A. DEMASI
LIZABETHANN R. EISEN
DAVID S. FINKELSTEIN
DAVID GREENWALD
RACHEL G. SKAISTIS
PAUL H. ZUMBRO
JOEL F. HEROLD
ERIC W. HILFERS
GEORGE F. SCHÖEN
ERIK R. TAVZEL
CRAIG F. ARCELLA
TEENA-ANN V. SANKOORIKAL
ANDREW R. THOMPSON
DAMIEN R. ZOUBEK
LAUREN ANGELLILLI
TATIANA LAPUSHCHIK
ERIC L. SCHIELE
ALYSSA K. CAPLES
JENNIFER S. CONWAY
MINH VAN NGO

KEVIN J. ORSINI
MATTHEW MORREALE
JOHN D. BURETTA
J. WESLEY EARNHARDT
YONATAN EVEN
BENJAMIN GRUENSTEIN
JOSEPH D. ZAVAGLIA
STEPHEN M. KESSING
LAUREN A. MOSKOWITZ
DAVID J. PERKINS
JOHNNY G. SKUMPIJA
J. LEONARD TETI, II
D. SCOTT BENNETT
TING S. CHEN
CHRISTOPHER K. FARGO
KENNETH C. HALCOM
DAVID M. STUART

SPECIAL COUNSEL
SAMUEL C. BUTLER
GEORGE J. GILLESPIE, III

OF COUNSEL
PAUL C. SAUNDERS

February 11, 2014

FOIA Request re: Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site (EPA ID No. MID006007306)

Dear Sir or Madam:

This firm represents NCR Corporation ("NCR") in litigation concerning the Allied Paper, Inc./Portage Creek/Kalamazoo River Site, EPA Site ID No. MID006007306 (the "Site"). I write to supplement the request, first made by co-counsel at Marten Law PLLC, for the United States Environmental Protection Agency ("EPA") to disclose, under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, all public agency records relating to the Site.

EPA has previously made the following disclosures to NCR concerning the Site:

- Under cover of letter dated March 24, 2011, EPA provided NCR with (i) the administrative record for the Site; (ii) collected CERCLA § 104(e) responses; and (iii) a series of other documents in EPA's possession. The specific documents provided to NCR by EPA in this production are identified in Exhibit 1.¹
- Under cover of letter dated August 12, 2011, EPA provided NCR with (i) additional documents that were not part of the administrative record but are related to the Site; (ii) documents inadvertently left out of EPA's March 2011 production; and (iii) documents that had been added to the administrative record after March 2011. EPA also withheld approximately 5,000 pages of responses to the "Kalamazoo River Superfund Site General Site Information Mediation Questionnaire" as Confidential Business Information, citing FOIA Exemption 4, 5 U.S.C. § 552(b)(4). The specific documents provided to NCR by EPA in this production, and the documents withheld under Exemption 4, are identified in Exhibit 2.

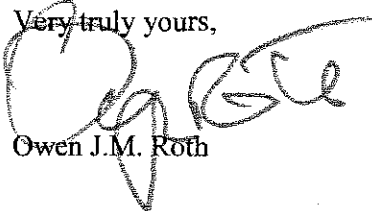
¹ The Exhibits noted in this letter contain appendices of documents produced to NCR and are provided in the enclosed CD. With one exception, these appendices were provided by EPA to NCR. The one exception is an appendix of documents provided in March 2011 that were neither part of the administrative record nor among the CERCLA § 104(e) responses. NCR prepared this appendix to better identify the documents EPA has provided.

- Finally, under cover of letter dated July 30, 2012, EPA provided NCR with (i) Millennium Holdings LLC's June 11, 2003 CERCLA § 104(e) response; and (ii) a response to the above-noted mediation questionnaire by Plainwell Inc. and associated entities. The specific documents provided to NCR by EPA in this production are identified in Exhibit 3.

It is our understanding that with these disclosures, EPA has disclosed all responsive items that were available as of July 30, 2012, except the documents that EPA withheld under FOIA Exemption 4 (which are identified in Exhibit 2). By this renewed request, we seek all items that have been created by, or have otherwise come within the custody, possession or control of EPA since its July 30, 2012 production and the documents previously withheld under FOIA Exemption 4. This request includes, but is not limited to, all documents concerning work done and data collected in any Operable Unit or Work Area of the Site by any party. In the event EPA seeks to withhold certain documents on the basis of a FOIA exemption, we request that EPA provide information identifying the withheld documents and corresponding exemption in a privilege log.

We understand that there may be a large number of responsive documents. We are therefore prepared to discuss options for reviewing responsive documents and arranging for their production, and to discuss cost estimates for fulfilling our request. I may be reached at the above-noted phone number or at oroth@cravath.com.

Very truly yours,



Owen J.M. Roth

Freedom of Information Officer
United States Environmental Protection Agency
Region 5 (MI-9J)
77 West Jackson Boulevard
Chicago, IL 60604-3590